

REMARKS/ARGUMENTS

Status of the Claims

Applicants note with appreciation that the Examiner has allowed claims 48, 49, 51-55, 57, 59-73, 75-104, 106-126, 152-156, 158, 160-198 and 200-206.

Claims 1-47, 50, 56, 74, 105, 127-151, 153, 157, and 199 have been cancelled.

Claims 58, 159 and 207 – 219 remain pending. Claims 58 and 159 have been amended by deleting the species of presynthesized polymer, polyurethane, polyester, polycarbonate, polyurea, polyamide, polyethyleneimine and polyacetate from the claims. Independent claim 207, from which claims 208-219 depend has been amended to remove the phrase “to allow” and to clarify that the dispenser performs the dispensing steps.

Applicants have also amended claim 49 to correct a typographical error – “mon omer” has been replaced with “monomer”.

Applicants respectfully assert that no new matter is presented by these amendments and respectfully request entry of the same.

Objections

Claim 49 is objected to because of an informality. Applicants have amended claim 49 to correct a typographical error – “mon omer” has been replaced with “monomer”.

Therefore, Applicants respectfully submit that this objection of Claim 49 is obviated by the amendment.

Rejections under 35 U.S.C. § 112 should be obviated.

Claims 58, 159, 207-219 are rejected under 35 U.S.C. §112 second paragraph, as allegedly being indefinite. The applicants respectfully disagree.

However, for the purpose of expediting the issuance of claims, Applicants have amended the claims to more particularly point out and distinctly claim the subject matter.

Applicants have amended claim 58 to recite:

Claim 58. The apparatus of claim 48 wherein the polymer comprises a nucleic acid, oligonucleotide, polynucleotide, peptide, polypeptide, receptor, enzyme, antibody, catalytic polypeptide, hormone receptor, or opiate receptor.

Applicants have amended claim 58 to recite:

Claim 159. The apparatus of claim 152 wherein the polymer comprises a nucleic acid, oligonucleotide, polynucleotide, peptide, polypeptide, receptor, enzyme, antibody, catalytic polypeptide, hormone receptor, or opiate receptor.

Applicants have amended independent claim 207, from which claims 208-219 depend, to recite:

Claim 207. An automated apparatus for forming an array of polypeptides or polynucleotides on a support having localized areas, comprising:
one or more dispensers supplied with plural solutions of polypeptides or polynucleotides, wherein the one or more dispensers is operative to dispense a volume of the plural solutions in a single coupling step of less than 5 nl at a distance away from a localized area,
a support having a density of localized areas at least about 1000 localized areas per cm², and
a positioning system including a translation controller configured to repeatedly position the one or more dispensers relative to individual localized areas on the support with the one or more dispensers dispensing the plural solutions of the polypeptides or polynucleotides for attachment at the individual localized areas until an array of at least 1000 different ligands each at individual localized areas is formed.

Applicant's amendments are made solely to expedite allowance of certain commercially relevant aspect of the invention, and are not in acquiescence to the rejection. Applicants reserve the rights to pursue the original claims in a related application. Applicants respectfully assert that the amended limitations add further clarity to the claims and respectfully request that the rejections be obviated.

Applicants reserve the rights to pursue the original claims in a related application. Therefore, Applicants respectfully submit that this rejection of Claims 58, 159 and 207-219 under 35 U.S.C. §112 second paragraph is obviated by the amendment.

CONCLUSION

For these reasons, Applicants believe all pending claims are now in condition for allowance. If the Examiner has any questions pertaining to this application or feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 731-5000.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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